

IN RE: PETITION FOR VARIANCE  
W/S Pelczar Avenue, 500' S of  
Eastern Avenue  
(38 Pelczar Avenue)  
15th Election District  
5th Councilmanic District  
  
Raymond W. Bonham  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-78-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 38 Pelczar Avenue, located in the vicinity of Eastern Avenue in Essex. The Petition was filed by the owner of the property, Raymond W. Bonham. The Petitioner seeks relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a boat and trailer to be stored in the front yard in lieu of the required rear yard, or, in the side yard, 8 feet from the front foundation line of the dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Raymond and Eleanor Bonham, property owners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 4,500 sq.ft., more or less, zoned D.R. 5.5, and is improved with a 1.5 story dwelling. Mr. Bonham testified that he has lived on the property for the past 33 years. He testified that for the past 32 years, he has stored a boat on a trailer on the driveway in front of his property. Apparently, this violation of the zoning regulations was discovered during a routine inspection of the neighborhood by a Zoning Inspector. Mr. Bonham testified that the distance between his house and the side property lines

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Date

By

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on both sides is insufficient to allow a vehicle to travel past the house to the rear yard. Thus, Mr. Bonham has always stored his boats in his front yard. Mr. Bonham presently owns a 19-foot powerboat with an inboard/outboard motor which he indicated he has no intention of replacing, once he no longer uses it.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It has been established that special conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of same. The Petitioner has stored a boat on a trailer in his front yard for the past 32 years without any complaint from his neighbors. In fact, two letters of support were submitted along with the Petitioner's request for variance. In the opinion of this Deputy Zoning Commissioner,

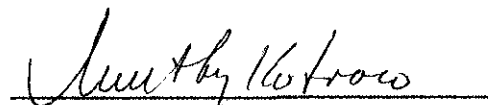
ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]

the relief requested will not result in any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day October, 1996 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a boat and trailer to be stored in the front yard in lieu of the required rear yard, or side yard, 8 feet from the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief requested is limited to the 19-foot Regal powerboat the Petitioner currently owns. The Petitioner is prohibited from storing a larger boat in the front yard of his property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 3, 1996

Mr. Raymond W. Bonham  
38 Pelczar Avenue  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
W/S Pelczar Avenue, 500' S of Eastern Avenue  
(38 Pelczar Avenue)  
15th Election District - 5th Councilmanic District  
Raymond W. Bonham - Petitioner  
Case No. 97-78-A

Dear Mr. Bonham:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

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77



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 38 PELCZAR AVE

97-78-A

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1.A TO PERMIT A

BOAT AND TRAILER IN FRONT YARD IN LIEU OF THE ONE PERMITTED BOAT OR TRAILER IN SIDE OR REAR YARD 8 FT. TO THE REAR OF THE FRONT OF THE DWELLING ~~practical difficulty~~

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
- (1) BALTO. CO. did NOT furnish a ALLEY in BACK of Property to get ANY vehicle in BACK to keep BOAT or build GARAGE. NO ROOM ON SIDE OF HOUSE FOR DRIVEWAY.
  - (2) NO COMPLAINTS WAS EVER made on keeping BOAT in DRIVEWAY for 32 YRS.
- + NONE QS OR THIS DATE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

RAYMOND WADE BONHAM  
(Type or Print Name)

Raymond Wade Bonham  
Signature

38 PELCZAR AVE  
Address

BALTO. MD 21221  
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

RAYMOND WADE BONHAM  
(Type or Print Name)

Raymond Wade Bonham  
Signature

410-687-0443  
(Type or Print Name)

Signature

38 PELCZAR AVE 6870443  
Address Phone No

BALTO MD 21221  
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/15/96



Printed with Soybean Ink on Recycled Paper

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Date

By

77

97-78-A

# ZONING DESCRIPTION

38 PELCZAR AVE.

BEGINNING AT A POINT ON THE WEST SIDE OF  
PELCZAR AVE (30' WIDE) AT A DISTANCE OF  
500 FT ± SOUTH OF EASTERN AVE. BEING LOT  
<sup>19</sup>~~22~~ AS RECORDED IN THE AMENDED PLAT OF  
EDGEWOOD PARK PLAT BOOK 13 FOLIO 67  
IN THE 15<sup>TH</sup> ED, 5<sup>TH</sup> CD, LOT SIZE 4500 SQ FT.

IF THE OWNER OF LOT 38  
ACCEPT RESPONSIBILITY FOR THE  
INFORMATION DRAWN AND  
WRITTEN BY BALTO CO. FOR  
THIS VARIANCE PETITION.

SIGN Raymond A. Bonham

DATE 8-15-96

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NODE NO.	ELEVATION (FT.)	SPRINKLER K-FACTOR	PRESSURE (PSI)	FLOW (U.S. GPM)	NOTES
1	417.00	4.50	11.7	15.4	
2	417.00	4.50	10.0	14.2	
3	417.00		11.2		
4	417.00		12.5		
5	417.00	4.50	11.1	15.0	
6	417.00	4.50	11.8	15.4	
7	417.00	4.50	8.3	13.0	
8	417.00		9.3		
9	417.00		11.0		
10	390.00		74.1		
11	390.00		74.1		
12	417.00		12.0		
13	417.00	4.50	8.6	13.2	
14	417.00	4.50	10.3	14.4	
15	417.00	4.50	11.3	15.1	
16	417.00	4.50	12.1	15.6	
17	417.00	4.50	10.6	14.6	
18	417.00		11.4		
19	417.00		12.5		
20	417.00	4.50	10.2	14.3	
21	417.00	4.50	10.8	14.8	
22	417.00	4.50	11.4	15.2	
23	417.00	4.50	12.7	16.0	
24	417.00		13.9		
25	417.00	4.50	11.6	15.3	
26	417.00		12.7		
27	417.00	4.50	11.9	15.5	
28	417.00	4.50	14.2	17.0	
29	417.00		15.2		
30	417.00		14.2	16.9	
31	417.00		15.2		
32	417.00		15.4		
33	417.00	4.50	14.2	17.0	
34	417.00	4.50	13.8	16.7	
35	417.00		14.8		
36	417.00		13.0		
37	417.00		13.0		
38	417.00		13.1		
39	417.00		13.1		
40	417.00		13.4		
41	417.00		13.7		
42	417.00		14.1		
43	417.00		14.7		
44	417.00		15.9		
45	417.00		19.8		
46	417.00		21.2		
47	417.00		30.5		
48	417.00		36.0		
49	417.00		36.4	100.0	
50	417.00		38.9		
51	417.00		50.4		
52	417.00		54.1		
53	417.00		54.9		

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

District 15

Date of Posting 9-13-96

Posted for: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Location of property: 38 Pelican

Location of Sign: Front Yard

Remarks: \_\_\_\_\_

Posted by M. Gamm Signature

Date of return: \_\_\_\_\_

Number of Signs: \_\_\_\_\_





# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on the following:

Case: #87-78-A  
(Item 77)  
38 Pelczar Avenue  
W/S Pelczar Avenue, 800' +/-  
S of Eastern Avenue  
16th Election District  
6th Councilmanic  
Legal Owner(s):

Raymond Wade Bonham  
Variance: to permit a boat and trailer in front yard in lieu of the one-permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.

Hearing: Monday, September 30, 1996 at 2:00 p.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3363.

(2) For information concerning the file and/or hearing, Please Call 887-3391.

9/032 Sept. 6.

C79780

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Sept. 6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 5, 1996.

THE JEFFERSONIAN,

*A. Henickson*

LEGAL AD. - TOWSON

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BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 024759

# 77

DATE 8/15/96

ACCOUNT R0016150

AMOUNT \$ 85.00

RECEIVED  
FROM:

BONHAM

FOR:

DRU FILING 50.00

DESIGN POSTAGE 35.00

**PUT  
SIGN**

03A91WDJ50NICHRC

\$85.00

BA 0010-35AM08-15-96

VALIDATION OR SIGNATURE OF CASHIER

DISSEMINATION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 77 Petitioner: BONHAM

Location: 38 PELCZAR AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RAYMOND W BONHAM

ADDRESS: 38 PELCZAR AVE

BALTIMORE, MD 21251

PHONE NUMBER: 410-687-0443

MICROFILMED



TO: PUTUXENT PUBLISHING COMPANY  
September 5, 1996 Issue - Jeffersonian

Please forward billing to:

Raymond W. Benham  
38 Pelczar Avenue  
Baltimore, MD 21221  
687-0443

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-78-A (Item 77)  
38 Pelczar Avenue  
W/S Pelczar Avenue, 500' +/- S of Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Raymond Wade Bonlam

Variance to permit a boat and trailer in front yard in lieu of the one permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.

HEARING: MONDAY, SEPTEMBER 30, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-78-A (Item 77)  
38 Pelczar Avenue  
W/S Pelczar Avenue, 500'+/- S of Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Raymond Wade Bonham **BONHAM**

Variance to permit a boat and trailer in front yard in lieu of the one permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.

HEARING: MONDAY, SEPTEMBER 30, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Raymond Wade Bonham

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 23, 1996

Mr. Raymond Wade Bonham  
38 Pelczar Avenue  
Baltimore, MD 21221

RE: Item No.: 77  
Case No.: 97-78-A  
Petitioner: Raymond Wade Bonham

Dear Mr. Bonham:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 15, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 08/27/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 26, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 59, 70, 72, 73, 74, 75, 76, 77, 78, 79 AND 80.

2

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

DATE: 9/5/96

SUBJECT: Zoning Advisory Committee  
Meeting Date: Aug 26, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

59  
61  
73  
75  
77  
78  
79  
80

RBS:sp

BRUCE2/DEPRM/TXTSBP

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 30, 1996

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for September 3, 1996  
Item Nos. 059, 061, 070, 073,  
074, 075, 077, 078, 079, & 080

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: August 29, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 57, 59, 73, 74, 77, 79, and 80

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey Long

Division Chief: Pat Keller

PK/JL

1 MICROTAPED



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

8-30-96

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 077 (JLL)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**MICROFILMED**



RE: PETITION FOR VARIANCE  
38 Pelczar Avenue, W/S Pelczar Avenue,  
500'+/- S of Eastern Avenue  
15th Election District, 5th Councilmanic

Raymond Wade Bonham  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 97-78-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Raymond Wade Bonham, 38 Pelczar Avenue, Baltimore, MD 21221, Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

MICROFILMED

11

LTR OF SUPPORT

Aug. 5, 1996

To whom it may concern,

I Dennis J. Mitrock live at 36 Pellegar Ave. And I have no complaints or problems with my neighbor having his boat parked in his yard. It has been there since I have lived here and if it doesn't bother me why should it be a problem to the County zoning. It doesn't matter to me whether he has one boat or eighty boats there. He is a great neighbor and he should be able to put his boat where he wants!

Thank You!  
Dennis J. Mitrock

RECEIVED  
AUG 14 1996

Ltr of Support.

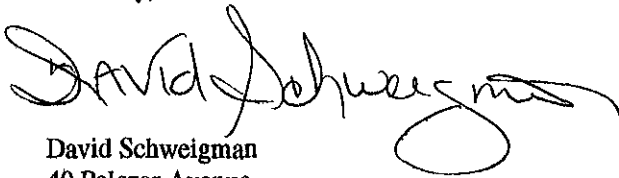
17

August 8, 1996

To Whom It May Concern:

I hereby give Raymond Bonhan of 38 Pelczar Avenue my permission to store his boat on his front property.

Sincerely,

A handwritten signature in cursive script, reading "David Schweigman". The signature is fluid and extends to the right.

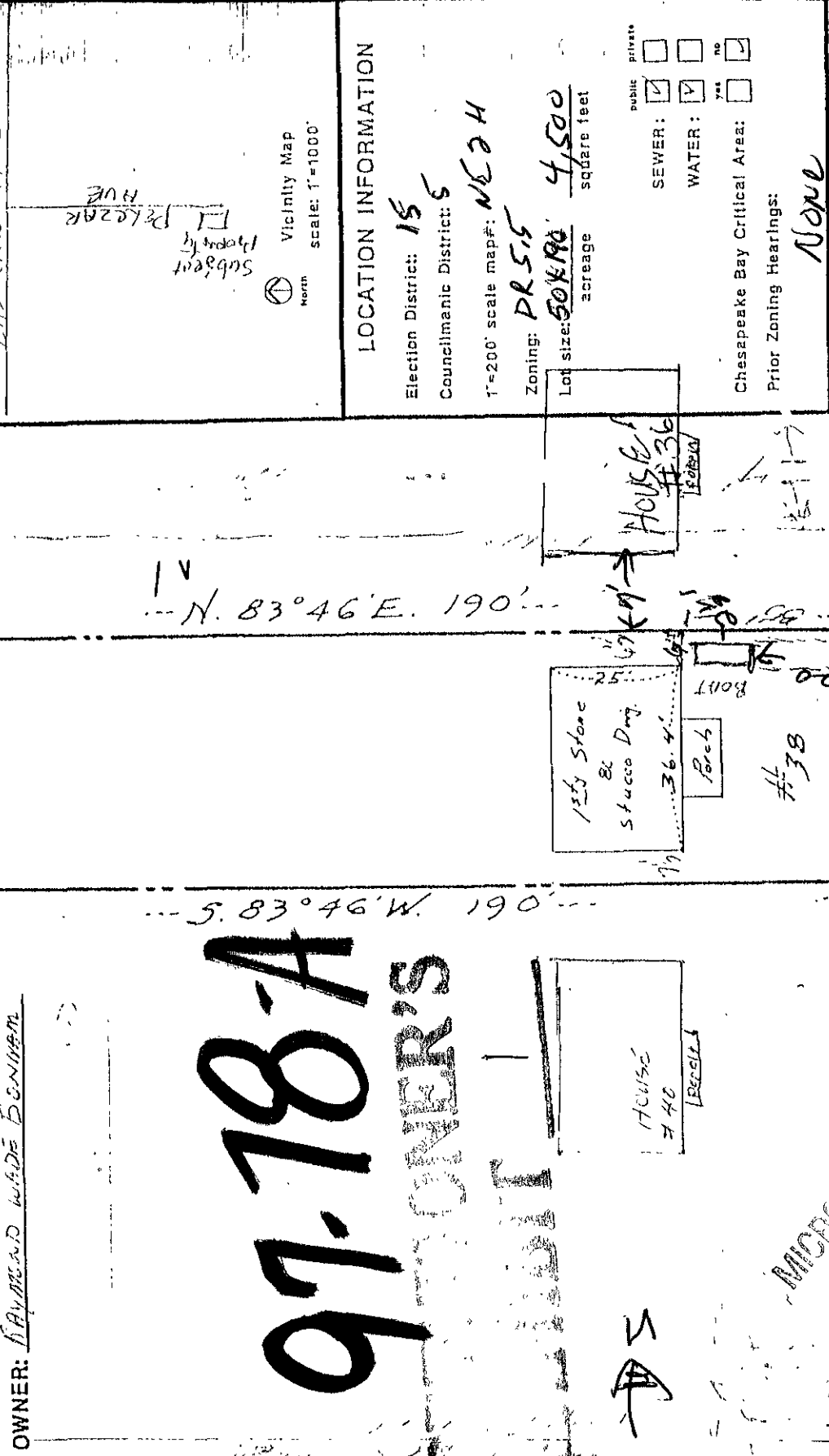
David Schweigman  
40 Pelczar Avenue  
Baltimore, MD 21221

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 38 Pellegrini Ave N 6° 14' W Lot #19

Subdivision name: 19  
 plat book # 13, folio # 67, lot # 38, section # 20  
 OWNER: RAYMOND WADE BENHAM



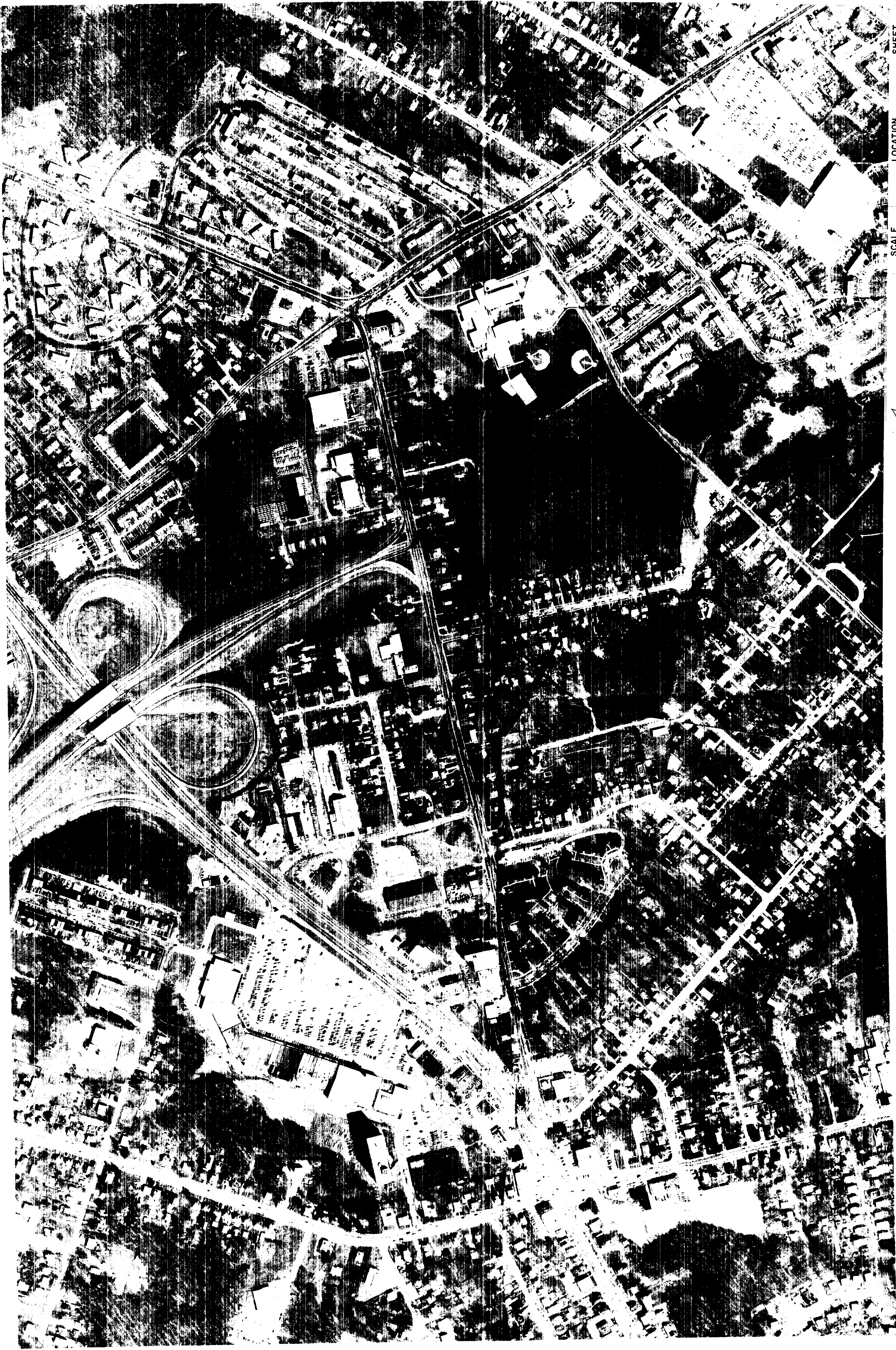
**LOCATION INFORMATION**  
 Election District: 15  
 Councilmanic District: 5  
 1"=200' scale map #: NE 2 H  
 Zoning: PR 5.5  
 Lot size: 50.00 acreage 4.500 square feet  
 Sewer: ☒ public ☐ private  
 Water: ☒ yes ☐ no  
 Chesapeake Bay Critical Area: ☐  
 Prior Zoning Hearings: None

Zoning Office USE ONLY!  
 reviewed by: [Signature] ITEM #: 77  
 date: 11/19/05  
 prepared by: Raymond Wade Benham Scale of Drawing: 1"=30'





97-78-A



BATIMORE COUNTY  
OFFICE O PLANNING AND ZONING  
PHOTOGRAPHIC MAP

#77

SCALE	LOCATION	SHEET
1" = 200' ±	STEMMERS RUN BACK RIVER NECK	MICROFILMED N.E. 2-H
DATE OF PHOTOGRAPHY		
JANUARY 1986		



IN RE: PETITION FOR VARIANCE  
W/S Pelczar Avenue, 500' S of  
Eastern Avenue  
(38 Pelczar Avenue)  
15th Election District  
5th Councilmanic District  
Raymond W. Bonham  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-78-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 38 Pelczar Avenue, located in the vicinity of Eastern Avenue in Essex. The Petition was filed by the owner of the property, Raymond W. Bonham. The Petitioner seeks relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a boat and trailer to be stored in the front yard in lieu of the required rear yard, or, in the side yard, 8 feet from the front foundation line of the dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Raymond and Eleanor Bonham, property owners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 4,500 sq.ft., more or less, zoned D.R. 5.5, and is improved with a 1.5 story dwelling. Mr. Bonham testified that he has lived on the property for the past 33 years. He testified that for the past 32 years, he has stored a boat on a trailer on the driveway in front of his property. Apparently, this violation of the zoning regulations was discovered during a routine inspection of the neighborhood by a Zoning Inspector. Mr. Bonham testified that the distance between his house and the side property lines

on both sides is insufficient to allow a vehicle to travel past the house to the rear yard. Thus, Mr. Bonham has always stored his boats in his front yard. Mr. Bonham presently owns a 19-foot powerboat with an inboard/outboard motor which he indicated he has no intention of replacing, once he no longer uses it.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It has been established that special conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of same. The Petitioner has stored a boat on a trailer in his front yard for the past 32 years without any complaint from his neighbors. In fact, two letters of support were submitted along with the Petitioner's request for variance. In the opinion of this Deputy Zoning Commissioner,

the relief requested will not result in any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day October, 1996 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a boat and trailer to be stored in the front yard in lieu of the required rear yard, or side yard, 8 feet from the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief requested is limited to the 19-foot Regal powerboat the Petitioner currently owns. The Petitioner is prohibited from storing a larger boat in the front yard of his property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 3, 1996

Mr. Raymond W. Bonham  
38 Pelczar Avenue  
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE  
W/S Pelczar Avenue, 500' S of Eastern Avenue  
(38 Pelczar Avenue)  
15th Election District - 5th Councilmanic District  
Raymond W. Bonham - Petitioner  
Case No. 97-78-A

Dear Mr. Bonham:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File



## Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 38 PELCZAR AVE  
97-78-A which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415A.1.A TO PERMIT A BOAT AND TRAILER IN FRONT YARD IN LIEU OF THE ONE PERMITTED BOAT OR TRAILER IN SIDE OR REAR YARD, BEING THE REAR OF THE FRONT OF THE DWELLING, IN ACCORDANCE WITH THE ZONING REGULATIONS OF BALTIMORE COUNTY, FOR THE FOLLOWING REASONS: (Indicate hardship or practical difficulty)  
(1) Petitioner is not permitted to build a garage in front of his house as per the zoning regulations. He has been forced to store his boat on a trailer in front of his house.  
(2) The Petitioner is not permitted to build a garage in front of his house as per the zoning regulations. He has been forced to store his boat on a trailer in front of his house.  
(3) The Petitioner is not permitted to build a garage in front of his house as per the zoning regulations. He has been forced to store his boat on a trailer in front of his house.  
+ NONE OF THE ABOVE

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Owner:

*Raymond Wade Bonham*  
Type or Print Name

*Raymond Wade Bonham*  
Signature

38 PELCZAR AVE  
Address

BALTO MD 21221  
City State Zipcode

Agent for Petitioner

Type or Print Name

Signature

38 PELCZAR AVE 6870443  
Address

BALTO MD 21221  
City State Zipcode

Name, Address and phone number of representative to be contacted

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition)

Legal Owner(s):

*Raymond Wade Bonham*  
Type or Print Name

*Raymond Wade Bonham*  
Signature

410-687-0443  
Phone No.

(Type or Print Name)

Signature

38 PELCZAR AVE 6870443  
Address

BALTO MD 21221  
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Indicate the following date

Next Two Months

ALL OTHER

REVIEWED BY *J. H. H.* DATE 8/17/96

### ZONING DESCRIPTION 38 PELCZAR AVE.

BEGINNING AT A POINT ON THE WEST SIDE OF PELCZAR AVE (30' WIDE) AT A DISTANCE OF 500 FT ± SOUTH OF EASTERN AVE. BEING LOT 12 AS RECORDED IN THE AMENDED PLAT OF EDGEWOOD PARK PLAT BOOK 13 FOLIO 67 IN THE 15<sup>TH</sup> ED, 5<sup>TH</sup> CD. LOT SIZE 4500 SQ. FT.

I, THE OWNER OF LOT 38  
ACCEPT RESPONSIBILITY FOR THE  
INFORMATION DRAWN AND  
WRITTEN BY BALTO CO. FOR  
THIS VARIANCE PETITION.

Sign *Raymond W. Bonham* DATE 8-15-96

CASE NUMBER: 97-78-A (Item 77)  
38 Pelczar Ave.  
W/S Pelczar Avenue, 500' +/- S of Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Raymond Wade Bonham

Variance to permit a boat and trailer in front yard in lieu of the one permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.

HEARING: MONDAY, SEPTEMBER 30, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Post by: 9/15/96

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15 Date of Posting 9-17-96  
Posted for: \_\_\_\_\_  
Petitioner: \_\_\_\_\_  
Location of property: 38 PELCZAR  
Location of Sign: Front Yard  
Remarks: \_\_\_\_\_  
Posted by: *M. James* Date of return: \_\_\_\_\_  
Number of Signs: \_\_\_\_\_

### CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 5, 1996.

THE JEFFERSONIAN,  
*A. Henrichson*  
LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and the Regulations of Baltimore County, will hold a public hearing on the proposed variance in Room 108 of the County Courthouse, 111 W. Chase Avenue, Towson, Maryland 21204, on Monday, September 30, 1996, at 2:00 p.m. in Room 118, Old Courthouse.

Case #97-78-A (Item 77)  
38 Pelczar Avenue  
W/S Pelczar Avenue, 500' +/- S of Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Raymond Wade Bonham  
Variance to permit a boat and trailer in front yard in lieu of the one permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.  
Hearing: Monday, September 30, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHWARTZ  
Zoning Commissioner for Baltimore County  
NOTES: (1) Petitioner must appear at the hearing and be prepared to answer questions and provide evidence in support of the variance.  
(2) For information concerning the law and order hearing, please call 887-3391.

SECT 5-1 C7976





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

# ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

## PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 77 Petitioner: BONHAM  
Location: 38 PELICAR AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RAYMOND W. BONHAM  
ADDRESS: 38 PELICAR AVE  
BALTIMORE, MD 21201

PHONE NUMBER: 410-687-0443

TO: PUTNEY PUBLISHING COMPANY  
September 5, 1996 Issue - Jeffersonian

Please forward billing to:  
Raymond W. Bonham  
38 Pelicar Avenue  
Baltimore, MD 21221  
687-0443

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-78-A (Item 77)  
38 Pelicar Avenue  
W/S Pelicar Avenue, 500' +/- S of Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Raymond Wade Bonham

Variance to permit a boat and trailer in front yard in lieu of the one permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.

HEARING: MONDAY, SEPTEMBER 30, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LANCE E. SCHULTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 29, 1996

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-78-A (Item 77)  
38 Pelicar Avenue  
W/S Pelicar Avenue, 500' +/- S of Eastern Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): Raymond Wade Bonham

Variance to permit a boat and trailer in front yard in lieu of the one permitted boat or trailer in side or rear yard 8 feet to the rear of the front of the dwelling.

HEARING: MONDAY, SEPTEMBER 30, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Raymond Wade Bonham

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 23, 1996

Mr. Raymond Wade Bonham  
38 Pelicar Avenue  
Baltimore, MD 21221

RE: Item No.: 77  
Case No.: 97-78-A  
Petitioner: Raymond Wade Bonham

Dear Mr. Bonham:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 15, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Rubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 08/27/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 26, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 59, 70, 72, 73, 74, 75, 76, 77, 78, 79 AND 80.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM  
FROM: R. Bruce Sealey  
Permits and Development Review  
DEPRM  
SUBJECT: Zoning Advisory Committee  
Meeting Date: August 26, 1996

DATE: 9/5/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:  
59  
61  
73  
75  
77  
78  
79  
80

RBS:sp  
BRUCE2/DEPRM/TXTSP

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
FROM: Robert W. Bowling, Chief  
Development Plans Review Division  
SUBJECT: Zoning Advisory Committee Meeting  
for September 3, 1996  
Item Nos. 59, 61, 67, 69, 73,  
74, 75, 77, 78, 79, & 80

Date: August 30, 1996

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE24

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management  
FROM: Pat Keller, Director  
Office of Planning  
SUBJECT: Petitions from Zoning Advisory Committee

DATE: August 29, 1996

The Office of Planning has no comments on the following petition(s):

Item Nos. 57, 59, 73, 74, 77, 79, and 80

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey Long

Division Chief: Carol Keller

PK/JL

ITEM57A/PZONE/ZAC1







97-78-A



#77  
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	STEMMERS RUN	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	BACK RIVER NECK	2-H